

1 AN ACT concerning mosquito abatement.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Mosquito Abatement District Act is amended  
5 by adding Sections 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08,  
6 0.09, and 0.10 as follows:

7 (70 ILCS 1005/0.02 new)

8 Sec. 0.02. Purpose. It is the purpose of this amendatory  
9 Act of the 93rd General Assembly to abolish mosquito  
10 abatement districts in counties with a population of  
11 3,000,000 or more and to transfer to the county in which the  
12 territory lies, or, in the case of territory lying in the  
13 City of Chicago, to the City of Chicago, all assets,  
14 liabilities, rights, powers, duties, and functions of the  
15 district, with the duties and functions of the abolished  
16 mosquito abatement district, including the eradication of the  
17 West Nile Virus, to be assumed by the respective State  
18 certified public health departments of those entities.

19 (70 ILCS 1005/0.03 new)

20 Sec. 0.03. Districts abolished; assets, liabilities,  
21 rights, powers, duties, and functions assumed.  
22 Notwithstanding any other provision of law, including any  
23 other provision of this Act, mosquito abatement districts in  
24 counties with a population of 3,000,000 or more are abolished  
25 on January 1, 2004. In counties with a population of  
26 3,000,000 or more, no new mosquito abatement districts may be  
27 organized on or after January 1, 2004. On January 1, 2004,  
28 the county in which the territory of an abolished district  
29 lies, or, in the case of territory of an abolished district  
30 that lies in the City of Chicago, the City of Chicago, shall

1 assume all assets, liabilities, rights, powers, duties, and  
2 functions of the abolished mosquito abatement district with  
3 respect to the territory of the abolished district that lies  
4 within the boundaries of the county or the City of Chicago,  
5 as the case may be, with the duties and functions of the  
6 abolished mosquito abatement district, including the  
7 eradication of the West Nile Virus, to be assumed by the  
8 respective State certified public health departments of those  
9 entities.

10 (70 ILCS 1005/0.04 new)

11 Sec. 0.04. Transfer of personnel.

12 (a) On January 1, 2004, personnel employed by a mosquito  
13 abatement district abolished by this amendatory Act of the  
14 93rd General Assembly are transferred to the State certified  
15 public health department of the county in which the abolished  
16 district lies, or, in the case of an abolished district that  
17 lies in the City of Chicago, the State certified public  
18 health department of the City of Chicago.

19 (b) In the event that the assets, liabilities, rights,  
20 powers, duties, and functions of a mosquito abatement  
21 district abolished by this amendatory Act of the 93rd General  
22 Assembly are assumed by a county and the City of Chicago  
23 because the territory of the abolished district lies  
24 partially in the City of Chicago, the decision on which  
25 positions shall be transferred to the State certified public  
26 health department of the county and which positions shall be  
27 transferred to the State certified public health department  
28 of the City of Chicago shall be made by giving consideration  
29 to the proportionate percentage of territory transferred and  
30 the assuming county's and the City of Chicago's staffing  
31 needs.

32 The rights of employees of a mosquito abatement district  
33 abolished by this amendatory Act of the 93rd General Assembly

1 under applicable collective bargaining agreements are not  
2 affected by this amendatory Act of the 93rd General Assembly.

3 (70 ILCS 1005/0.05 new)

4 Sec. 0.05. Transfer of property.

5 (a) Effective January 1, 2004, all books, records,  
6 documents, property (real and personal), unexpended  
7 appropriations, and pending business of a mosquito abatement  
8 district abolished by this amendatory Act of the 93rd General  
9 Assembly shall be transferred and delivered to the county in  
10 which the abolished district lies, or, in the case of an  
11 abolished district that lies in the City of Chicago, the City  
12 of Chicago.

13 (b) In the event that the assets, liabilities, rights,  
14 powers, duties, and functions of a mosquito abatement  
15 district abolished by this amendatory Act of the 93rd General  
16 Assembly are assumed by a county and the City of Chicago  
17 because the territory of the abolished district lies  
18 partially in the City of Chicago, the decision on which  
19 books, records, documents, property (real and personal),  
20 unexpended appropriations, and pending business shall be  
21 transferred to the county and which shall be transferred to  
22 the City of Chicago shall be made by giving consideration to  
23 the proportionate percentage of territory transferred to the  
24 county and the proportionate percentage transferred to the  
25 City of Chicago.

26 (70 ILCS 1005/0.06 new)

27 Sec. 0.06. Local public health tax. Beginning on January  
28 1, 2004, the corporate authorities of the county in which  
29 territory of the abolished district lies or, in the case of  
30 territory of an abolished district that lies in the City of  
31 Chicago, the City of Chicago shall have the power and  
32 authority to levy and collect such taxes at such rates as

1 shall have been previously authorized, levied, and collected  
2 by the mosquito abatement district abolished by this  
3 amendatory Act of the 93rd General Assembly with respect to  
4 that territory. This tax shall be known as the local public  
5 health tax.

6 (70 ILCS 1005/0.07 new)

7 Sec. 0.07. Ordinances, orders, and resolutions.

8 (a) On January 1, 2004, the ordinances, orders, and  
9 resolutions of a mosquito abatement district abolished by  
10 this amendatory Act of the 93rd General Assembly that were in  
11 effect on December 31, 2003 and pertain to the assets,  
12 liabilities, rights, powers, duties, and functions  
13 transferred to the county in which any part of the territory  
14 of the abolished district lies, or, in the case of an  
15 abolished district that lies, at least in part, in the City  
16 of Chicago, the City of Chicago under this amendatory Act of  
17 the 93rd General Assembly shall become, with respect to that  
18 territory, the ordinances, orders, and resolutions of the  
19 county in which that part of the abolished district lies, or,  
20 in the case of an abolished district that lies, at least in  
21 part, in the City of Chicago, the City of Chicago and shall  
22 continue in effect until amended or repealed.

23 (b) Any ordinances, orders, or resolutions pertaining to  
24 the assets, liabilities, rights, powers, duties, and  
25 functions transferred to the county in which any part of the  
26 territory of the abolished district lies, or, in the case of  
27 an abolished district that lies, at least in part, in the  
28 City of Chicago, the City of Chicago under this amendatory  
29 Act of the 93rd General Assembly that have been proposed by a  
30 mosquito abatement district abolished by this amendatory Act  
31 of the 93rd General Assembly but have not taken effect or  
32 been finally adopted by December 31, 2003 shall become, with  
33 respect to that territory, the ordinances, orders, and

1 resolutions of the county in which that part of the abolished  
2 district lies, or, in the case of an abolished district that  
3 lies, at least in part, in the City of Chicago, the City of  
4 Chicago on January 1, 2004, and any procedures that have  
5 already been completed by a mosquito abatement district  
6 abolished by this amendatory Act of the 93rd General Assembly  
7 for those proposed ordinances, orders, or resolutions need  
8 not be repeated.

9 (c) As soon as practical after January 1, 2004, the  
10 assuming county or the City of Chicago, as appropriate, shall  
11 revise and clarify the ordinances, orders, and resolutions  
12 transferred to it under this amendatory Act of the 93rd  
13 General Assembly to reflect the reorganization of assets,  
14 liabilities, rights, powers, duties, and functions effected  
15 by this amendatory Act of the 93rd General Assembly. The  
16 assuming county or the City of Chicago, as appropriate, may  
17 propose and adopt such other ordinances, orders, or  
18 resolutions as may be necessary to consolidate and clarify  
19 the ordinances, orders, and resolutions assumed under this  
20 amendatory Act of the 93rd General Assembly.

21 (70 ILCS 1005/0.08 new)

22 Sec. 0.08. Cross references. Beginning on January 1,  
23 2004, all references in other statutes, however phrased, to a  
24 mosquito abatement district abolished under this amendatory  
25 Act of the 93rd General Assembly shall be references to the  
26 county or the City of Chicago, as appropriate, in its  
27 capacity as successor to the mosquito abatement district  
28 abolished under this amendatory Act of the 93rd General  
29 Assembly.

30 (70 ILCS 1005/0.09 new)

31 Sec. 0.09. Savings provisions.

32 (a) The assets, liabilities, rights, powers, duties, and

1 functions transferred to a county or the City of Chicago by  
2 this amendatory Act of the 93rd General Assembly shall be  
3 vested in that county or the City of Chicago, as appropriate,  
4 subject to the provisions of this amendatory Act of the 93rd  
5 General Assembly. An act done by a mosquito abatement  
6 district abolished by this amendatory Act of the 93rd General  
7 Assembly or an officer, employee, or agent of the abolished  
8 district with respect to the transferred assets, liabilities,  
9 rights, powers, duties, or functions shall have the same  
10 legal effect as if done by the county to which the transfer  
11 was made or the City of Chicago, as appropriate, or an  
12 officer, employee, or agent of that county or the City of  
13 Chicago, as appropriate.

14 (b) The transfer of assets, liabilities, rights, powers,  
15 duties, and functions under this amendatory Act of the 93rd  
16 General Assembly does not invalidate any previous action  
17 taken by or in respect to the mosquito abatement district  
18 abolished by this amendatory Act of the 93rd General Assembly  
19 or its officers, employees, or agents. References to an  
20 abolished mosquito abatement district or its officers,  
21 employees, or agents in any document, contract, agreement, or  
22 law shall, in appropriate contexts, be deemed to refer to the  
23 assuming county or the City of Chicago, as appropriate, or  
24 its officers, employees, or agents.

25 (c) The transfer under this amendatory Act of the 93rd  
26 General Assembly of assets, liabilities, rights, powers,  
27 duties, and functions of a mosquito abatement district  
28 abolished by this amendatory Act of the 93rd General Assembly  
29 does not affect any person's rights, obligations, or duties,  
30 including any civil or criminal penalties applicable thereto,  
31 arising out of those transferred assets, liabilities, rights,  
32 powers, duties, and functions.

33 (d) With respect to matters that pertain to an asset,  
34 liability, right, power, duty, or function transferred to a

1 county or the City of Chicago under this Act:

2 (1) Beginning January 1, 2004, a report or notice  
3 that was previously required to be made or given by any  
4 person to a mosquito abatement district abolished by this  
5 amendatory Act of the 93rd General Assembly or any of its  
6 officers, employees, or agents shall be made or given in  
7 the same manner to the assuming county or the City of  
8 Chicago, as appropriate, or its appropriate officer,  
9 employee, or agent.

10 (2) Beginning January 1, 2004, a document that was  
11 previously required to be furnished or served by any  
12 person to or upon a mosquito abatement district abolished  
13 by this amendatory Act of the 93rd General Assembly or  
14 any of its officers, employees, or agents shall be  
15 furnished or served in the same manner to or upon the  
16 assuming county or the City of Chicago, as appropriate,  
17 or its appropriate officer, employee, or agent.

18 (e) This amendatory Act of the 93rd General Assembly  
19 does not affect any act done, ratified, or cancelled, any  
20 right occurring or established, or any action or proceeding  
21 had or commenced in an administrative, civil, or criminal  
22 cause before January 1, 2004. Any such action or proceeding  
23 that pertains to an asset, liability, right, power, duty, or  
24 function transferred to a county or the City of Chicago under  
25 this Act and that is pending on that date may be prosecuted,  
26 defended, or continued by that county or the City of Chicago,  
27 as appropriate.

28 (70 ILCS 1005/0.10 new)

29 Sec. 0.10. Disputes. Any disputes that arise as a result  
30 of the abolishment of a mosquito district and the assumption  
31 of the assets, liabilities, rights, powers, duties, and  
32 functions of the abolished district shall be resolved by an  
33 appropriate action commenced in the circuit court.

1 Section 10. The Township Code is amended by changing  
2 Section 30-170 as follows:

3 (60 ILCS 1/30-170)

4 Sec. 30-170. Mosquito abatement district.

5 (a) The electors may authorize the township board to  
6 contract for the furnishing of mosquito abatement services in  
7 the unincorporated area of the township.

8 (a-5) Notwithstanding any other provision of this Code,  
9 as provided in Section 0.03 of the Mosquito Abatement  
10 District Act, on January 1, 2004, mosquito abatement  
11 districts in counties with a population of 3,000,000 or more  
12 are abolished. No new mosquito abatement districts may be  
13 organized in counties with a population of 3,000,000 or more  
14 on or after January 1, 2004. The assets, liabilities, rights,  
15 powers, duties, and functions, including the taxing  
16 authority, of a mosquito abatement district created under  
17 this Code that is abolished by this amendatory Act of the  
18 93rd General Assembly shall be assumed as provided in  
19 Sections 0.02 through 0.10 of the Mosquito Abatement District  
20 Act.

21 (b) The township board may adopt a resolution declaring  
22 the unincorporated area of the township a mosquito abatement  
23 district for tax purposes. Proof of the resolution authorizes  
24 the county clerk to extend a tax upon the mosquito abatement  
25 district in the amount specified in the annual township tax  
26 levy, but not more than a rate of 0.075% of the value of  
27 taxable property as equalized or assessed by the Department  
28 of Revenue.

29 (c) Whenever a resolution creating a mosquito abatement  
30 district has been adopted, the township board shall order the  
31 proposition submitted to the voters within the territory of  
32 the proposed district at an election. The clerk shall certify  
33 the proposition to the proper election officials. Notice

1 shall be given and the election conducted in accordance with  
2 the general election law. The proposition shall be in  
3 substantially the following form:

4 Shall a mosquito abatement district be created to  
5 serve the unincorporated areas of (name of township), and  
6 shall a tax be levied at a rate of not more than 0.075%  
7 of the value of taxable property in the district as  
8 equalized or assessed by the Department of Revenue?

9 The votes shall be recorded as "Yes" or "No".

10 (d) If a majority of votes cast on the proposition is in  
11 favor of the mosquito abatement district, the district shall  
12 be created.

13 (e) Any territory within a mosquito abatement district  
14 that is annexed to a municipality that provides mosquito  
15 abatement services within its corporate limits shall be  
16 automatically disconnected from the township mosquito  
17 abatement taxing district.

18 (Source: P.A. 86-310; 88-62.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.